

Existing law provides for the establishment of an indigent defender board in each judicial district. Requires each such board to select a list of qualified attorneys to provide legal counsel to indigents. Authorizes district boards to contract with each other to establish regional defense service centers, including regional appellate and death penalty centers. Such centers may be granted authority to contract with counsel for death penalty defense, appeals, and other functions.

New law retains these provisions of existing law and further provides that regional defense service centers may contract for the defense of an individual at trial in capital cases and for appeals and post-conviction representation in noncapital cases and in capital cases where the defendant was sentenced to life imprisonment. Authorizes regional defense service centers to contract with counsel for appeals in noncapital cases.

Existing law provides for the Indigent Defense Assistance Board and for its functions, including the providing of supplemental funds to indigent defender boards when appropriated by the legislature.

New law retains these provisions of existing law and further provides that in capital cases in which trial counsel was provided to an indigent defendant and the jury imposed a sentence of death, the court shall appoint the Indigent Defense Assistance Board to promptly cause counsel to be enrolled to represent the defendant on appeal and in any post-conviction proceeding.

Existing law authorizes the board by rule to develop and maintain programs necessary to implement guidelines for supplement assistance.

New law retains this provision of existing law and further authorizes the board to adopt rules and to retain necessary counsel to represent capital defendants on direct appeal to the state supreme court and to seek post-conviction relief in state and federal courts. Further authorizes the board to adopt necessary rules to provide reasonable services associated with the proceedings, including investigative, expert, and other services. Provides that such rules shall require written showing of the need for such services and the nature and costs of the services, and include mandatory guidelines for compensation and litigation expense maximums. Authorizes the board to seek federal funding and funding from other public and private sources to cover costs associated with new law.

New law provides that counsel who represented convicted capital defendants in state court proceedings, if authorized by the board, may accept appointments from federal court to represent the defendant, provided that compensation is provided by the federal court. Provides that such funds remain subject to the use of the board and may be used for paying the costs of representation. Provides that no state appropriated funds shall be expended for the representation of capital defendants in federal court.

New law provides that new law does not confer substantive or procedural rights not otherwise provided by law. Provides that the provisions of the Code of Civil Procedure regarding the signing of pleadings are applicable to petitions for post-conviction relief and related responsive pleadings.

Effective August 15, 1999.

(Amends R.S. 15:150(C)(1) and 151.2(E); Adds R.S. 15:149.1, 151.5, and 151.6)